



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,170	10/22/2001	Kevin Lee Kott	6768CD	8450

27752 7590 08/13/2002

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

OGDEN JR, NECHOLUS

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 08/13/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,170

Applicant(s)

KOTT ET AL.

Examiner

Necholus Ogden

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 10-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelrine (4,990,718) or Gudelis (3,351,654) or Page et al (4,870,038) or Blain et al (5,026,933).

Pelrine discloses a process for the production of monoalkylbenzenes, useful as lubricant additives, by aromatic alkylation wherein the alkylation catalyst is an acidic metallosilicate and the alkylation agent is the olefins dimer by product (abstract). Pelrine further teaches that said olefins are C6-C14 and said catalyst is zeolites such as Offretite (col. 6, lines 14-23).

Gudelis discloses a process of preparing biodegradable detergents such as alkylbenzene sulfonate by dimerizing an olefin having C5-C16 with a silica-alumnae catalyst (col. 1, lines 10-30).

Page et al disclose an olefin oligomerization with zeolite catalyst wherein the olefin oligomers may be used as an alkylating agents prepare biodegradable alkylbenzene sulfonates. Moreover, the preferred catalyst is dealuminized mordenite.

Blain et la disclose a process for producing a linear hydrocarbon by oligomerization with zeolite catalyst wherein the olefin oligomers may be used as an alkylating agents prepare biodegradable alkylbenzene sulfonates. Moreover, the preferred catalyst is dealuminized mordenite.

It would have been obvious to one of ordinary skill in the art combine the components of the aforementioned prior art of record because compounds which are

Art Unit: 1751

position isomers (compounds having the same radicals in physically different positions on the same nucleus) or homologs are generally of sufficiently close structural similarity that there is a presumed expectation that such compounds possess similar properties.

In re Wilder , 563 F.2d 457, 195 USPQ 426 (CCPA 1977). See also In re May , 574 F.2d 1082, 197 USPQ 601 (CCPA 1978) (stereoisomers prima facie obvious).

Moreover, Isomers having the same empirical formula but different structures are not necessarily considered equivalent by chemists skilled in the art and therefore are not necessarily suggestive of each other. Ex parte Mowry , 91 USPQ 219 (Bd. App. 1950) (claimed cyclohexylstyrene not prima facie obvious over prior art isohexylstyrene).

Similarly, homologs which are far removed from adjacent homologs may not be expected to have similar properties. In re Mills , 281 F.2d 218, 126 USPQ 513 (CCPA 1960). With respect to applicant's adjunct detergent materials, it is the position of the examiner that said materials are of official notice to of ordinary skill in the art and would have been conventional materials added to detergent compositions/processes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholas Ogden whose telephone number is 703-308-3732. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-


Application/Control Number: 10/038,170

Page 4

Art Unit: 1751

305-3599 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Nicholas Ogden
Primary Examiner
Art Unit 1751

no
August 11, 2002